

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Wilbert E Bailey III**  
**Renee R. Bailey**  
Debtor(s)

Bankruptcy Case No.: 16-70713-JAD  
Issued Per Apr. 27, 2017 Proceeding  
Chapter: 13  
Docket No.: 36 - 2, 21  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 13, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,589 as of May 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The claim of Ally Financial at Claim No. 1 shall govern as to amount, to be paid at modified terms in plan in an amount to be determined by Trustee. The claim of Carrington Mortgage Services, LLC as servicer for JPMorgan Chase at Claim No. 11 shall govern as to amount of arrears with payment to be as per plan.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: May 2, 2017

Jeffery A. Deller  
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Wilbert E Bailey, III  
 Renee R. Bailey  
 Debtors

Case No. 16-70713-JAD  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: jhel  
 Form ID: 149

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 Total Noticed: 35

Date Rcvd: May 02, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 04, 2017.

db/jdb +Wilbert E Bailey, III, Renee R. Bailey, 645 Blanche Street, P.O. Box 348,  
 Beaverdale, PA 15921-0348  
 cr +Carrington Mortgage Services, LLC, 1600 South Douglass Road, Suite 200-A,  
 Anaheim, CA 92806-5951  
 cr +Carrington Mortgage Services, LLC, its assignees a, c/o Prober & Raphael, A. Law Corp.,  
 20750 Ventura Boulevard, Suite 100, Woodland Hills, CA 91364-6207  
 cr +Carrington Mortgage Services, LLC as servicer for, 1600 South Douglass Road, Suite 200-A,  
 Anaheim, CA 92806-5948  
 cr +JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, 3415 Vision Drive, Columbus, OH 43219-6009  
 14305860 +AES/PHEAA, 1200 N. 7th Street, Harrisburg, PA 17102-1419  
 14305863 +Capital One Bank, N.A., P.O. Box 71083, Charlotte, NC 28272-1083  
 14365794 +Carrington Mortgage Services, LLC, et al, 1600 South Douglass Road, Suite 200-A,  
 Anaheim, CA 92806-5948  
 14305864 +Chase, Cardmember Service, P.O. Box 15153, Wilmington, DE 19886-5153  
 14305866 +Chase Home Mortgage, P.O. Box 78420, Phoenix, AZ 85062-8420  
 14305867 +Comenity-Bon Ton, P.O. Box 659813, San Antonio, TX 78265-9113  
 14305868 +Comenity-Victoria's Secret, P.O. Box 659728, San Antonio, TX 78265-9728  
 14305869 +Conemugh Physician Group, 1086 Franklin Street, Johnstown, PA 15905-4305  
 14305870 +Credit First, 6275 Eastland Road, Brookpark, OH 44142-1399  
 14330329 Credit First NA, PO Box 818011, Cleveland, OH 44181-8011  
 14345082 +DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577  
 (address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,  
 PO Box 10390, Greenville, SC 29603-0390)  
 14356720 +Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011  
 14305873 +OneMain Financial, 3209 B Elton Road, Johnstown, PA 15904-2807  
 14307609 +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14305877 Vital Recovery Services, Inc., P.O. Box 923748, Norcross, GA 30010-3748  
 14363288 Wells Fargo Bank, N.A., Wells Fargo Card Services, PO Box 10438, MAC F8235-02F,  
 Des Moines, IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14317382 E-mail/Text: ally@ebn.phinsolutions.com May 03 2017 01:02:44 Ally Financial,  
 PO Box 130424, Roseville MN 55113-0004  
 14305861 +E-mail/Text: ally@ebn.phinsolutions.com May 03 2017 01:02:44 Ally Financial,  
 200 Renaissance Center, Detroit, MI 48243-1300  
 14305865 +E-mail/Text: bk.notifications@jpmchase.com May 03 2017 01:02:54 Chase Auto Finance,  
 P.O. Box 78050, Phoenix, AZ 85062-8050  
 14305871 +E-mail/Text: bnc-bluestem@quantum3group.com May 03 2017 01:03:32 Fingerhut, P.O. Box 1250,  
 Saint Cloud, MN 56395-1250  
 14318936 E-mail/Text: bk.notifications@jpmchase.com May 03 2017 01:02:54 JPMorgan Chase Bank, N.A.,  
 National Bankruptcy Department, P.O. Box 29505 AZ1-1191, Phoenix, AZ 85038-9505  
 14345083 E-mail/PDF: resurgentbknotifications@resurgent.com May 03 2017 00:54:45  
 LVNV Funding, LLC its successors and assigns as, assignee of LendingClub Corporation &  
 LC Trust I, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 14305872 +E-mail/Text: bk@lendingclub.com May 03 2017 01:03:31 Lending Club,  
 71 Stevenson, Suite 300, San Francisco, CA 94105-2985  
 14338327 +E-mail/PDF: cbp@onemainfinancial.com May 03 2017 00:54:57 ONEMAIN, 605 MUNN ROAD,  
 FT. MILL, SC 29715-8421  
 14365950 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com May 03 2017 01:12:57  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14337069 E-mail/Text: bnc-quantum@quantum3group.com May 03 2017 01:02:56  
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 14305874 +E-mail/PDF: gecsedirecoverycorp.com May 03 2017 00:54:43 Synch/Carpet One,  
 P.O. Box 965033, Orlando, FL 32896-5033  
 14305875 +E-mail/PDF: gecsedirecoverycorp.com May 03 2017 00:54:54 Synch/PayPal Credit Service,  
 P.O. Box 960080, Orlando, FL 32896-0080  
 14305876 +E-mail/PDF: gecsedirecoverycorp.com May 03 2017 00:54:54 Synchrony Bank/Lowes,  
 P.O. Box 530914, Atlanta, GA 30353-0914  
 14305879 E-mail/Text: bankruptcydept@wyn.com May 03 2017 01:03:30 Wyndham Vacation Resorts,  
 P.O. Box 98940, Las Vegas, NV 89193

TOTAL: 14

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14317923\* Ally Financial, PO Box 130424, Roseville MN 55113-0004  
 14305862 ##+Best Buy Credit Services, P.O. Box 183195, Columbus, OH 43218-3195  
 14305878 ##+Wells Fargo, P.O. Box 10475, Des Moines, IA 50306-0475

TOTALS: 0, \* 2, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

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Total Noticed: 35

Date Rcvd: May 02, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

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Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 04, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 2, 2017 at the address(es) listed below:

James Warmbrodt	on behalf of Creditor	JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
bkggroup@kmlawgroup.com		
Kenneth P. Seitz	on behalf of Debtor Wilbert E Bailey, III	thedebraters@aol.com
Kenneth P. Seitz	on behalf of Joint Debtor Renee R. Bailey	thedebraters@aol.com
Kevin Scott Frankel	on behalf of Creditor	JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
pabk@logs.com		
Kevin Scott Frankel	on behalf of Creditor	Carrington Mortgage Services, LLC
pabk@logs.com		
Kevin Scott Frankel	on behalf of Creditor	Carrington Mortgage Services, LLC as servicer for
J.P. Morgan Mortgage Acquisition Corporation		pabk@logs.com
Office of the United States Trustee		ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour		cmecf@chapter13trusteedpa.com

TOTAL: 8